

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 11-804 MMC

Plaintiff,

**ORDER DENYING DEFENDANT'S
REQUEST FOR APPOINTMENT OF
COUNSEL**

v.

MIMI WANG,

Defendant

Before the Court is defendant's letter, filed December 5, 2012, in which defendant requests the Court appoint counsel to represent her in connection with any proceedings to be conducted with respect to her "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody," also filed December 5, 2012. Having read and considered plaintiff's request, the Court rules as follows.

Defendant has no right to counsel to assist her in filing a motion for relief under § 2255. See United States v. Angelone, 894 F.2d 1129, 1130 (9th Cir. 1990). A district court may appoint counsel for a defendant seeking relief under § 2255, however, where "the interests of justice so require." See 18 U.S.C. § 3006A(a)(2). Such appointment is proper where "it appears probable that any substantial issue, or at least a substantial issue of fact, will be presented." See Dillon v. United States, 307 F.2d 445, 447 (9th Cir. 1962).

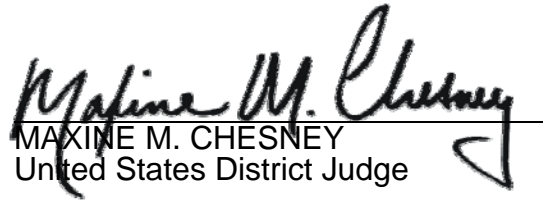
Here, defendant fails to show it is probable that her § 2255 motion will present a

1 substantial issue.

2 Accordingly, defendant's request is hereby DENIED.

3 **IT IS SO ORDERED.**

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5 Dated: December 14, 2012

6 
MAXINE M. CHESNEY
United States District Judge